

## REMARKS

This amendment is in response to the Non-Final Office Action dated March 23, 2010 (the “Office Action”). Claims 1-10, 16-18, 22-24, 50-51 and 53-62 are pending in the application. Claims 11-15 and 29-41 were previously withdrawn. Claims 19-21, 25-28, 42-49, and 52 were previously canceled without prejudice or disclaimer. Claims 1, 4, 6, 16, and 50 have been amended. No new matter has been added. Support for the claim amendments may be found in the specification, claims, and figures as originally filed.

### **Claims 1-7 and 53-56 are Allowable**

The Office has rejected claims 1-7 and 53-56, at paragraph 7 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 6,362,863 (“Shaw”) in view of U.S. Patent No. 7,213,005 (“Mourad”). Applicants respectfully traverse the rejections.

The cited portions of Shaw and Mourad fail to disclose or suggest the specific combination of claim 1. For example, the cited portions of Shaw and Mourad fail to disclose or suggest sending, to a content provider distinct from a content broker system and a media device, a list of two or more media formats that are compatible with the media device, as in claim 1.

Shaw describes a universal application (UAP) server that enables web display of various applications for various clients. *See* Shaw, col. 2, ll. 26-63. Shaw further describes that the UAP server 250 includes a suite of server engines or processes that coordinate all functions, including data store engine 271 and data store 273. *See* Shaw, col. 8, ll. 37-38 & Fig. 2. Shaw also describes that for each application, data store 273 contains a list of application servers that are able to run the application. *See* Shaw, col. 8, l. 67—col. 9, l. 2.

The cited portions of Shaw fail to disclose or suggest sending a list of two or more media formats that are compatible with a media device, as in claim 1. Shaw describes that UAP server 250 includes a data store 273 that contains a list of application servers corresponding to each application. *See* Shaw, col. 8, l. 67—col. 9, l. 2. The cited portions of Shaw do not disclose or suggest sending a list of media formats that are compatible with a media device, as in claim 1.

In addition, the cited portions of Shaw fail to disclose or suggest that the list is sent to a content provider that is distinct from the content broker system and the media device, as in claim 1. Shaw describes that clients 14 make requests to UAP server 50, which returns to the client devices 14 the requested data. *See* Shaw, col. 7, ll. 26-36. The cited portions of Shaw do not describe a content provider distinct from the content broker and the media device. Therefore, the cited portions of Shaw fail to disclose or suggest sending a list to a content provider distinct from the content broker system and the media device, as in claim 1.

Mourad describes digital content distribution using web broadcasting services. *See* Mourad, Title. Mourad describes a content provider 101 and/or content hosting site 111 transmitting content to an end user device 109. *See* Mourad, Fig. 6. Mourad describes that content provider 101 may transmit a metadata secure container (SC) 620 to content hosting site 111. *See* Mourad, Fig. 6. Metadata SC 620 may include various information concerning the content to be transmitted to the end user device 109. *See* Mourad, col. 31-34. The metadata SC 109 does not include a list of two or more media formats that are compatible with a media device. Further, although clearinghouse 105 may send communication 610 to content provider 101 (Fig. 6), communication 610 is a transaction report for auditing and tracking purposes. *See* Mourad, col. 27, ll. 46-49 & Fig. 6. Accordingly, the cited portions of Mourad fail to disclose or suggest sending, to a content provider distinct from a content broker system and a media device, a list of two or more media formats that are compatible with the media device, as in claim 1.

Therefore, the cited portions of Shaw and Mourad, individually or in combination, fail to disclose or suggest at least one element of claim 1. Hence, claim 1 is allowable. Claims 2-7 and 53-56 are also allowable, at least by virtue of their dependence from claim 1. Further, the dependent claims recite additional elements not disclosed or suggested by the cited portions of Shaw and Mourad.

By way of example, claim 2 provides a media asset table that includes data associated with media content acquired for the user account from a plurality of content providers, the data including, for each media content item, a unique identifier, a title, a category, a media type, a media characteristic, usage rights, a license key, a purchase date, a distributor purchase ID, a distributor unique content ID, and a distributor identifier. The cited portions of Shaw and

Mourad do not disclose or suggest such a media asset table. *See* Mourad, col. 61, ll. 20-22. For at least this additional reason, claim 2 is allowable.

By way of further example, claim 4 provides aggregating media content titles of media content available from a plurality of content providers. The cited portions of Shaw describe a network 10 comprising UAP server 50 and client devices 14, a launch process to launch an application session between UAP server 50 and client devices 14, and the suite of server engines and processes utilized by UAP server 50. *See* Shaw, Fig. 1, Fig. 7B, & col. 9, ll. 3-55. These cited portions fail to disclose or suggest aggregating media content titles of media content available from a plurality of content providers. In addition, the cited portions of Mourad fail to disclose or suggest aggregating media content titles of media content available from a plurality of content providers, as in claim 4. For at least this additional reason, claim 4 is allowable.

#### **Claims 8 and 59-60 are Allowable**

The Office has rejected claims 8 and 59-60, at paragraph 8 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 7,203,966 (“Abburi”). Applicants respectfully traverse the rejections.

The cited portions of Abburi do not disclose or suggest the specific combination of claim 8. For example, the cited portions of Abburi fail to disclose or suggest sending device profile information regarding a subscriber media device, where the device profile information specifies two or more media formats that are compatible with the subscriber media device, as in claim 8.

Abburi describes an architecture and method for implementing roaming digital rights management, where a license server distributes licenses to computing devices to play media content. *See* Abburi, Abstract. Abburi describes various media formats such as .wav, asp, and .mp3, but the cited portions of Abburi do not disclose or suggest device profile information including two or more media formats that are compatible with a subscriber device. Abburi describes that dictionary 28 specifies a single output format of the content. *See* Abburi, col. 10, ll. 26-42. Accordingly, the cited portions of Abburi fail to disclose or suggest sending device profile information regarding a subscriber media device, where the device profile information

specifies two or more media formats that are compatible with the subscriber media device, as in claim 8.

Therefore, the cited portions of Abburi fail to disclose or suggest at least one element of claim 8. Hence, claim 8 is allowable. Claims 59-60 are also allowable, at least by virtue of their dependence from claim 8.

### **Claim 9 is Allowable**

The Office has rejected claim 9, at paragraph 9 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Abburi in view of U.S. Patent No. 7,054,416 (“Meyerson”). Applicants respectfully traverse the rejection.

Claim 9 depends from claim 8. As explained above, the cited portions of Abburi fail to disclose or suggest at least one element of claim 8. The cited portions of Meyerson fail to disclose or suggest the elements of claim 8 not disclosed or suggested by the cited portions of Abburi. Meyerson describes a communication system where a session control server 230 determines protocols for sending multimedia content messages and control messages to each local communication device 20 over a network 22. Communications between the session control server 230 and each local communication device 20 utilize tagged messages, where each tag identifies the content of the message to the recipient local communication device 20. *See* Meyerson, col. 8, ll. 65—col. 9, ll. 5. The tagged messages do not include device profile information regarding a subscriber media device, where the device profile information specifies two or more media formats that are compatible with the subscriber media device. Therefore, the cited portions of Meyerson fail to disclose or suggest sending device profile information regarding a subscriber media device, where the device profile information specifies two or more media formats that are compatible with the subscriber media device, as in claim 8. Hence, the cited portions of Abburi and Meyerson, individually or in combination, fail to disclose or suggest at least one element of claim 8, from which claim 9 depends. Hence, claim 9 is allowable at least by virtue of depending from an allowable independent claim.

**Claim 10 is Allowable**

The Office has rejected claim 10, at paragraph 10 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Abburi in view of U.S. Patent No. 6,822,663 (“Wang”). Applicants respectfully traverse the rejection.

Claim 10 depends from claim 8. As explained above, the cited portions of Abburi fail to disclose or suggest at least one element of claim 8. The cited portions of Wang fail to disclose or suggest the elements of claim 8 not disclosed or suggested by the cited portions of Abburi. Wang describes an apparatus and method for transforming web pages for display on various web-enabled devices. *See* Wang, Abstract. A server receives requests for content, retrieves the requested content, and transforms the content into an appropriate format. *See* Wang, col. 5, ll. 30-47. The server does not receive device profile information specifying two or more media formats that are compatible with a subscriber device. Therefore, the cited portions of Wang fail to disclose or suggest sending device profile information regarding a subscriber media device, where the device profile information specifies two or more media formats that are compatible with the subscriber media device, as in claim 8. Hence, the cited portions of Abburi and Wang, individually or in combination, fail to disclose or suggest at least one element of claim 8, from which claim 10 depends. Hence, claim 10 is allowable, at least by virtue of depending from an allowable claim.

**Claims 16-18, 22-24, and 62 are Allowable**

The Office has rejected claims 16-18, 22-24, and 62, at paragraph 11 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Wang in view of Mourad. Applicants respectfully traverse the rejections.

The cited portions of Wang and Mourad do not disclose or suggest the specific combination of claim 16. For example, the cited portions of Wang and Mourad do not disclose or suggest a content broker storing a device profile in memory, where the device profile includes information indicating an amount of memory available at a subscriber media device, as in claim 16.

Wang describes an apparatus and method for transforming web pages for display on various web-enabled devices. *See* Wang, Abstract. More particularly, Wang describes a proxy server device that may receive a request for content from a device and transform the material into an appropriate format for the device. *See* Wang, col. 5, ll. 30-47. The cited portions of Wang do not teach or suggest a content broker storing a device profile in memory, where the device profile includes information indicating an amount of memory available at a subscriber media device, as in claim 16. Applicants respectfully submit that Wang teaches away from this feature, since Wang requires a user to input device information at device selection screen 700, i.e., user device information is not stored by a content broker. *See* Wang, Fig. 7. Further, the information input by a user at device selection screens does not include information indicating an amount of memory available at the device. *See* Wang, Figs. 7-10.

Mourad describes digital content distribution using web broadcasting services. *See* Mourad, Title. Mourad describes using secure containers to distribute encrypted content and information among the system components. *See* Mourad, col. 10, ll. 29-58. Mourad describes a hosting site maintaining a database with a list of all secure container IDs that have been used to download content, in order to ensure each user device makes only one request for each piece of content purchased. *See* Mourad, col. 73, ll. 33-43. The cited portions of Mourad fail to disclose or suggest a content broker storing a device profile in memory, where the device profile includes information indicating an amount of memory available at a subscriber media device, as in claim 16.

Therefore, the cited portions of Wang and Mourad, individually or in combination, fail to disclose or suggest at least one element of claim 16. Hence, claim 16 is allowable. Claims 17-18, 22-24, and 62 are also allowable, at least by virtue of their dependence from an allowable claim.

### **Claims 50 and 51 are Allowable**

The Office has rejected claims 50 and 51, at paragraph 12 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Wang in view of Mourad and further in view of Abburi. Applicants respectfully traverse the rejections.

Claims 50 and 51 depend from claim 16. As explained above, the cited portions of Wang and Mourad fail to disclose or suggest at least one element of claim 16. Abburi describes an architecture and method for implementing roaming digital rights management, where a license server distributes licenses to computing devices to play media content. *See* Abburi, Abstract. The cited portions of Abburi fail to disclose or suggest a content broker storing a device profile in memory, where the device profile includes information indicating an amount of memory available at a subscriber media device, as in claim 16, from which claims 50-51 depend. Hence, claims 50-51 are allowable at least by virtue of their dependence from an allowable claim. Further, the dependent claims recite additional elements not disclosed or suggested by the cited portions of Wang, Mourad, and Abburi.

For example, claim 50 recites that the device profile further includes one or more of a media access control (MAC) address of the subscriber media device and a serial number of the subscriber media device. The cited portions of the foregoing references do not disclose or suggest such a combination of features. Abburi describes a hardware identifier that may include hardware information of a media device, but the cited portions of Abburi do not disclose or suggest that the device profile further includes one or more of a MAC address of the subscriber media device and a serial number of the subscriber media device. Hence, claim 50 is allowable for at least this additional reason.

### **Claim 57 is Allowable**

The Office has rejected claim 57, at paragraph 13 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Shaw in view of Mourad, and further in view of Wang. Applicants respectfully traverse the rejection.

Claim 57 depends from claim 1. As explained above, the cited portions of Shaw and Mourad fail to disclose or suggest at least one element of claim 1. The cited portions of Wang do not disclose or suggest the elements of claim 1 not disclosed or suggested by the cited portions of Shaw and Mourad. Wang describes a server device that transforms web pages for requesting devices. *See* Wang, Abstract. A server receives requests for content, retrieves the requested content, and transforms the content into an appropriate format. *See* Wang, col. 5, ll.

30-47. The cited portions of Wang fail to disclose or suggest sending a list of two or more media formats that can be used by a media device or that the list is sent to a content provider distinct from the content broker system and the media device, as in claim 1, from which claim 57 depends. Hence, claim 57 is allowable, at least by virtue of its dependence from an allowable claim.

### **Claim 58 is Allowable**

The Office has rejected claim 58, at paragraph 14 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Shaw in view of Mourad, and further in view of Abburi. Applicants respectfully traverse the rejection.

Claim 58 depends from claim 1. As explained above, the cited portions of Shaw and Mourad fail to disclose or suggest at least one element of claim 1. The cited portions of Abburi do not disclose or suggest the elements of claim 1 not disclosed or suggested by the cited portions of Shaw and Mourad. Abburi describes an architecture and method for implementing roaming digital rights management, where a license server distributes licenses to computing devices to play media content. *See* Abburi, Abstract. The cited portions of Abburi fail to disclose or suggest sending a list of two or more media formats that can be used by a media device or that the list is sent to a content provider distinct from the content broker system and the media device, as in claim 1, from which claim 58 depends. Hence, claim 58 is allowable, at least by virtue of its dependence from an allowable claim. Further, the dependent claims recite additional elements not disclosed or suggested by the cited portions of Shaw, Mourad, and Abburi.

For example, claim 58 recites that a device profile table further includes information related to whether at least one media device includes a removable memory. Abburi describes a general personal computer including a hard disk drive 127, a magnetic disk drive 128, a removable magnetic disk 129, an optical disk drive 130, and a removable optical disk 131. *See* Abburi, col. 7, ll. 27-40. While Abburi describes a removable disk, the cited portions of Abburi do not disclose or suggest a device profile table. Hence, claim 58 is allowable for at least this additional reason.



### **Claim 61 is Allowable**

The Office has rejected claim 61, at paragraph 15 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Wang in view of Mourad, and further in view of Abburi. Applicants respectfully traverse the rejection.

Claim 61 depends from claim 16. As explained above, the cited portions of Wang and Mourad fail to disclose or suggest at least one element of claim 16. The cited portions of Abburi do not disclose or suggest the elements of claim 16 not disclosed or suggested by the cited portions of Wang and Mourad. Abburi describes an architecture and method for implementing roaming digital rights management, where a license server distributes licenses to computing devices to play media content. *See* Abburi, Abstract. The cited portions of Abburi fail to disclose or suggest a content broker storing a device profile in memory, where the device profile includes information indicating an amount of memory available at a subscriber media device, as in claim 16, from which claim 61 depends. Therefore, the cited portions of Wang, Mourad, and Abburi, individually or in combination, fail to disclose or suggest at least one element of claim 16, from which claim 61 depends. Hence, claim 61 is allowable, at least by virtue of its dependence from an allowable claim.

### **CONCLUSION**

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the references applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the rejections, as well as an indication of the allowability of each of the pending claims.

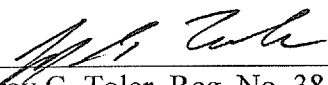
Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the cited art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

6-21-2010  
Date

  
Jeffrey G. Toler, Reg. No. 38,342  
Attorney for Applicant(s)  
TOLER LAW GROUP  
8500 Bluffstone Cove, Suite A201  
Austin, Texas 78759  
(512) 327-5515 (phone)  
(512) 327-5575 (fax)